

1 REMARKS

2 Status of the Claims

3 Claims 57-60, 62, 63, and 65-71 are now pending in the present application. No amendments
4 to the claims are presented herein.

5 Secondary Considerations Raised to Traverse the Rejections under 35 U.S.C. § 103

6 The claims in the pending application have been rejected as being obvious over various
7 combinations of prior art.

8 As indicated in MPEP § 2141, objective evidence of secondary considerations, such as
9 unexpected results, commercial success, long felt need, failure of others to solve that need, copying
10 by others, licensing, and skepticism of experts regarding an available solution to the problem are
11 relevant to the issue of obviousness and must be considered in every case in which they are present.
12 When evidence of any of these secondary considerations is submitted, the Examiner must evaluate
13 the evidence.

14 Submitted concurrently herewith is a Declaration by Jerry Brownstein that provides objective
15 evidence that the present invention is a commercial success. Jerry Brownstein's Declaration provides
16 evidence that the recycled fiber absorbent, whose manufacture is described and claimed in the
17 pending application, has received both international and regional acclaim.

18 The recycled fiber absorbent was selected as the international winner in the water category of
19 the ENERGY GLOBE AWARD, which recognizes products that are both functional and exhibit
20 desirable environmental characteristics. The emphasis of the ENERGY GLOBE AWARD is to
21 promote environmental sustainability by recognizing products which utilize recycled materials,
22 alternative energy sources, or other exhibit beneficial environmental characteristics. This is a
23 prestigious award.

24 The recycled fiber absorbent was also publicly recognized by the Governor of the State of
25 Washington, both for receiving the international ENERGY GLOBE AWARD, and for successfully
26 cleaning a large and much publicized diesel spill at a well-known ski resort in the State of
27 Washington.

28 This evidence indicates that the recycled fiber absorbent, whose manufacture is described and
29 claimed in the pending application, has met with considerable commercial success both in the
30 international and regional marketplace. If the manufacture of such a recycled fiber absorbent was

1 truly obvious, then logically some textile expert should have brought such a product to the
2 marketplace before applicants developed the manufacturing process required to achieve such a
3 recycled fiber absorbent. The fact that no other artisan of ordinary skill developed such a
4 manufacturing process, and that applicants' process has met with such a resounding commercial
5 success, should provide sufficient evidence of secondary considerations to obviate the obviousness
6 rejection raised by the Examiner.

7 Applicants therefore respectfully request the Examiner to withdraw the obviousness
8 rejections, and allow the case to issue. If there are any questions that might be addressed by a
9 telephone interview, the Examiner is invited to telephone applicants' undersigned attorney, at the
10 number listed below.

11 Respectfully submitted,

12
13 /mike king/
14 Michael C. King
15 Registration No. 44,832

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